

The Gazette of India

PUBLISHED BY AUTHORITY

No. 24] NEW DELHI, SATURDAY, SEPTEMBER 22, 1951

PART II—Section 2

Bills and Reports of Select Committees on Bills

PARLIAMENT OF INDIA

The following report of the Select Committee on the Bill further to amend the Delhi Premises (Requisition and Eviction) Act, 1947, was presented to Parliament on the 10th September, 1951:—

We, the undersigned, members of the Select Committee to which the Bill further to amend the Delhi Premises (Requisition and Eviction) Act, 1947, was referred, have considered the Bill and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

Clause 1.—We have substituted the figures “1951” for the figures “1950”.

Clause 2.—We consider that the power to recover rent and damages as an arrear of land revenue should not be restricted to Government premises only but should also be extended to the premises belonging to any municipality and to any land belonging to the Improvement Trust, Delhi, whether such land is in possession of, or leased out by, the Improvement Trust. We have, therefore, substituted the expression “public premises” for “Government premises”.

We are also of opinion that all the processes which are available for the recovery of land revenue should not be available for the recovery of rent and damages under this clause. We have therefore specified the processes which may be issued by inserting a new sub-clause (4).

We have also made a slight drafting change to make our intention clear.

We consider that cases of displaced persons should be sympathetically considered and we recommend to the Government that in the case of displaced persons who are in unauthorised occupation of Government premises, all arrears of damages up to 15th August, 1949, should be remitted and that the balance should be recovered in easy instalments, varying from 12 to 24 instalments, having regard to the circumstances of each case. We further recommend that even in respect of tenants who are displaced persons, arrears of rent should be recovered in easy instalments. We hope that it would be found possible to persuade the municipalities and Improvement Trust also to follow a similar policy in respect of remission of arrears of rent and damages and recovery of the same in easy instalments. It is in this hope that we have agreed to the definition of public premises.

Clause 3.—We have substituted the expression ‘public premises’ for ‘Government premises’ and have defined that expression in the *Explanation* to sub section (1). The other changes made are merely consequential.

The main purpose of amending section 11 of the Act is to empower the Government to evict, without going through the usual civil court proceedings, unauthorised occupants of vacant Government land. As a large number of displaced persons would be adversely affected, we appointed a special committee to go into the question. We have considered the report of the special committee. We agree that such powers should be vested in the Government, but we are anxious that the exercise of these powers should not result in undue hardship to the displaced persons and that the displaced persons should not be put to unnecessary loss as a result of the demolition of structures put up by them.

We are of opinion that Government should exercise its powers under this clause having due regard to certain broad principles which we propose to recommend to the Government. We consider that it may not be expedient to incorporate these principles in the Bill; but we trust that the Government would give the following assurances in Parliament and we recommend accordingly that—

(1) where any displaced person, without being authorised to do so, has occupied any public land or constructed any building or part of a building on such land before the 15th August, 1950, such person shall not be evicted nor such construction shall be removed unless the following conditions are fulfilled, namely:—

(a) a sector-wise plan in this behalf is prepared by the Chief Commissioner of Delhi, on the recommendation of the Allotment Committee and such plan is approved by the Central Government in the Ministry of Rehabilitation; and for the purpose of preparing such plans, the Allotment Committee functioning under the Chief Commissioner shall be strengthened by two persons nominated by the Central Government in the Ministry of Works, Production and Supply to represent the interests of displaced persons;

Note:—The Allotment Committee as reconstituted would consist of—

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|--|-------------------|
| (1) the Deputy Commissioner of Delhi as the Chairman—
<i>ex-officio</i> , | } Members. |
| (2) Secretary, Local Self-Government to the
Chief Commissioner, | |
| (3) a representative of the Ministry of Re-
habilitation, | |
| (4) a representative of the Improvement
Trust, | |
| (5) a representative of the Delhi Municipa-
lity, and | |
| (6) two representatives nominated by the
Central Government in the Ministry of Works,
Production and Supply to represent displaced per-
sons. | |

(b) subject to the provisions of clauses (d) and (e), alternative accommodation is provided on developed land and, as far as practicable, near the place of business or employment of the displaced person;

(c) in every case where any construction is demolished or removed, rehabilitation grant *ex gratia* is also made to the displaced person either in cash or in the shape of building materials or both, the amount of which shall be determined by the Ministry of Rehabilitation having due regard to the circumstances of each case;

(d) in the case of constructions which comply, or fairly comply, or with suitable modifications may be made fairly to comply, with the municipal requirements and Town Improvement plans (where such plans exist), the value of the land in unauthorised occupation shall be assessed, on a no-profit no-loss basis, having regard to the cost of the acquisition and development of the land and the displaced person would be given an option to purchase the site occupied by him against payment in easy instalments of the value of the land assessed and on condition of paying the ground rent for the time being in force and on such other conditions restricting the transfer of the land as may be specified in this behalf by the Central Government; and where the displaced person is unable to purchase the site occupied by him by reason of his inability to pay the purchase money or otherwise, the provisions of clauses (b) and (c) shall apply, and he shall not be evicted unless alternative accommodation is provided and a rehabilitation grant is made;

(e) in the case of constructions which comply with the municipal requirements but not with the Town Improvement plans, such plans shall be so modified as to avoid, as far as practicable, the demolition or removal of the construction; and where the plan is modified and the construction is not demolished or removed, the provisions of clause (d) shall apply;

Note.—For the above purpose, a committee consisting of the following persons shall be formed, namely:—

- (1) the Hon. Minister for Health,
- (2) the Hon. Minister for Works, Production and Supply,
- (3) the Hon. Minister of State for Rehabilitation.
- (4) three members of Parliament nominated by the Central Government, and

(5) one representative of the Improvement Trust, Delhi,

(2) where any displaced person, without being authorised to do so, has occupied any public land or constructed any building or part of a building on such land at any time between the 15th August, 1950, and the 1st January, 1951, he shall, after three months' notice, be evicted and such construction shall be removed and he shall not be entitled to any compensation or alternative accommodation;

(3) where any displaced person, without being authorised to do so, occupies or has occupied any public land or constructs or has constructed any building or part of a building on such land at any time after the 1st January, 1951, he shall, after ten days' notice, be summarily evicted and such construction shall be removed and he shall not be entitled to any compensation or alternative accommodation;

(4) where any displaced person, without being authorised to do so, has, before the 15th day of August, 1950, occupied any land other than public land or constructed any building or part of a building on

such land, the Central Government will endeavour to bring about a settlement between such person and the owner of the land and if no settlement is arrived at, such person may be evicted and such construction may be removed but he will be provided by the Central Government with a plot of land, as far as practicable, near the place of business or employment of the displaced person, and in deserving cases, rehabilitation grant will be given to him;

(5) in all cases mentioned above—

(a) “public land” shall mean any land belonging to, or taken on lease or requisitioned by, the Central Government or any land belonging to a municipality or any land belonging to the Improvement Trust, Delhi, whether such land is in possession of, or leased out by, the Improvement Trust;

(b) “alternative accommodation” shall mean—

(i) either a building or a part of a building; or

(ii) a plot of land with a reasonable grant for the construction of a building thereon.

Note.—(1) In providing alternative accommodation under item (i), regard will be had to the number of persons in the family of the evicted person and the accommodation in the construction demolished.

(2) In providing alternative accommodation under item (ii), reasonable time will be given to the evicted person to construct the building and he shall not be evicted until the expiry of such time;

(6) for the removal of doubts, it may be stated—

(a) that alternative accommodation shall be provided against payment of such sum and in such instalments as may be fixed in this behalf by the Central Government in the Ministry of Rehabilitation, and in particular—

(i) where alternative accommodation is a building to be let out, rent will be payable by the occupant;

(ii) where alternative accommodation is a plot of land or building to be purchased, the price will be payable in easy instalments;

(b) that where any construction is to be demolished or removed, the displaced person may have it demolished himself and may, whether it is demolished by the Government or by himself, remove the building materials for personal use.

2. The Bill was published in Part II, Section 2 of the Gazette of India, dated the 19th August, 1950.

3. We think that the Bill has not been so altered as to require circulation under rule 77(4) of the Rules of Procedure and Conduct of Business, in Parliament, and we recommend that it be passed as now amended.

B. R. AMBEDKAR.
N. V. GADGIL.
AJIT PRASAD JAIN.
JASPATROY KAPOOR.
MIHIR LAL CHATTOPADHYAY.
SUCHETA KRIPALANI.
TAJAMUL HUSAIN.
S. N. BURAGOHAIN.
T. R. DEOGIRIKAR.
SATISH CHANDRA.
JAYASHRI RAIJI.
*GURMUKH SINGH MUSAFIR.
SITA RAM S. JAJOO.
T. N. SINGH.
THAKUR DAS BHARGAVA.
TEK CHAND.
*ACHINT RAM.
RAJ BAHADUR.
*S. P. MOOKERJEE.
HUKAM SINGH.
SHYAMNANDAN MISHRA.
RAM SUBHAG SINGH.
DESHBANDHU GUPTA.
BHOPINDER SINGH MAN.
M. C. REDDY.

NEW DELHI;

The 10th September, 1951.

Minute of Dissent

We are appending this small note with a view to have slight modification in certain clauses of the assurances to be given to Parliament which the Select Committee has recommended to the Government.

(1) In para. 2(c) in the end add:

“and in no case it would be less than the amount actually spent by a displaced person on that construction.”

(2) In para. 2(d) in the end add:

“In case the Government is not prepared to pay him the full value of the construction standing on that land he shall be entitled to sell the building to any displaced person who is prepared to purchase the land under that construction on the terms offered by the Government.”

ACHINT RAM.
GURMUKH SINGH MUSAFIR.
S. P. MOOKERJEE.

NEW DELHI:

The 10th September, 1951.

(AS AMENDED BY THE SELECT COMMITTEE)

(Words sidelined or underlined indicate the amendments suggested by the Committee.)

BILL No. 63 OF 1950

A Bill further to amend the Delhi Premises (Requisition and Eviction) Act, 1947.

BE IT ENACTED by Parliament as follows:—

1. Short title.—This Act may be called the Delhi Premises (Requisition and Eviction) Amendment Act, 1951.**2. Insertion of new section 10A in Act XLIX of 1947.**—After section 10 of the Delhi Premises (Requisition and Eviction) Act, 1947 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“10A. *Power to recover rent or damages in respect of public premises as arrears of land revenue.*—(1) Subject to any rules that may be made in this behalf by the Central Government by notification in the Official Gazette, any sum due by way of rent in respect of any public premises which is in arrear may, subject to the provisions of sub-section (4), be recovered by the competent authority from the person liable to pay the same, in the same manner as an arrear of land revenue.

(2) Where any person is in unauthorised occupation of any public premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the public premises as he thinks fit and may, by notice served by post or in such other manner as may be prescribed by rules made in this behalf, order that person to pay the damages within such time as may be specified in the notice.

(3) If any person refuses or fails to pay the damages within the time specified in the notice under sub-section (2), the damages may, subject to the provisions of sub-section (4), be recovered in the same manner as an arrear of land revenue.”

(4) Notwithstanding anything contained in section 67 of the Punjab Land Revenue Act, 1887 (Punjab Act No. XVII of 1887), any sum due by way of rent or damages may be recovered only by any one or more of the following processes, namely:—

(a) by service of a writ of demand on the defaulter;

(b) by distress and sale of his moveable property and uncut or ungathered crops; and

(c) by proceeding against the immoveable property of the defaulter.

3. Amendment of section 11, Act XLIX of 1947.—In section 11 of the principal Act,—

(i) in sub-section (1)—

(a) for the words “Government premises” wherever they occur, the words “public premises” shall be substituted;

(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Explanation.—In this section and section 10A, “public premises” means any premises or land belonging to, or taken on lease or requisitioned by, the Central Government or any premises requisitioned by the competent authority under this Act or any premises or land belonging to any municipality or any land belonging to the Improvement Trust, Delhi, whether such land is in possession of, or leased out, by the Improvement Trust”;

(ii) in sub-sections (1A) and (3) for the word “premises” the words “public premises” shall be substituted.

4. Amendment of section 12, Act XLIX of 1947.—In sub-section (2) of section 12 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

“(dd) the manner in which damages for unauthorised occupation may be assessed and the matters which may be taken into account in assessing such damages and for appeals against such assessment.

The following Bill was introduced in Parliament on the 14th September, 1951:—

BILL NO. 76 OF 1951

A Bill to repeal certain laws in force in certain Part C States.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Part C States (Miscellaneous Laws) Repealing Act, 1951.

2. Repeal of certain laws of Part C States.—The laws described in column 2 of the Schedule whether by their short titles or as laws corresponding to certain specified enactments shall, in relation to the State specified in the corresponding entry in column 1, be repealed or be deemed to have been repealed with effect from the date specified in the corresponding entry in column 3.

3. Savings.—The repeal by this Act of any law shall not affect any other enactment in which the repealed law has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office, or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised, or derived by, in or from any law hereby repealed ;

nor shall the repeal by this Act of any law revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE SCHEDULE

REPEALS

(See section 2)

Name of State	Description of law	Date of repeal
1	2	3
Bhopal	The Bhopal State Land Improvement and Agriculturists' Loans Act, 1337 Muhamadi.	20th June, 1951.
	The Bhopal Civil Procedure Code (Amendment) Act, 1929 (Bhopal Act III of 1929).	6th September, 1950.
	The Notified Areas Act, 1946 (Bhopal Act XXII of 1946).	From the date of commencement of this Act.
	The Tehsil Judicial Committee Ordinance, 1948, and His Highness the Nawab of Bhopal's Firman, published under Notification No. 2, dated 30th May, 1946, entitled Village Panchayat.	From the date of commencement of this Act.
Bilaspur	The Bilaspur (Kehloor) State Halqa and Pargana Councils (Powers and Authorised Functions) Act, 2005 (V of 2005 BK).	24th August, 1950.
Kutch	Any law corresponding to the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879).	10th May, 1950.
	Any law corresponding to the Bombay Landing and Wharfage Fees Act, 1882 (Bombay Act VII of 1882).	3rd June, 1950.
	Any law corresponding to the Bombay Weights and Measures Act, 1932 (Bombay Act XV of 1932).	7th November, 1950.
	Any law corresponding to the Bombay Agricultural Debtors Relief Act, 1947 (Bombay Act XXVIII of 1947).	24th May, 1950.
	The Kutch Nagarsabha Constitution, 1942, promulgated by Order No. 5516 of 1942.	13th September, 1950.

1	2	3
	The Kutch Rent Restriction Rules, 1945,	From the date of commencement of this Act.
Vindhya Pradesh	The Rewa State Rent Control Ordinance, 1946.	6th December, 1950.
	The Vindhya Pradesh Sales Tax Ordinance, 1949 (II of 1949).	19th December 1950.

STATEMENT OF OBJECTS AND REASONS.

Section 2 of the Part C States (Laws) Act, 1950, enables the Central Government to extend to any Part C State (other than Coorg and the Andaman and Nicobar Islands) or to any part of such State any enactment which is in force in a Part A State with such restrictions and modifications as it thinks fit and provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State. In pursuance of this section, various laws of Part A States have been extended with suitable modifications to Kutch, Himachal Pradesh, Bhopal, etc. by the Central Government by means of notifications and such notifications contain express provisions for the repeal of corresponding laws in force in the area prior to the date of the notification. The Supreme Court on a reference made by the President under Article 143 of the Constitution has, however, given the opinion that the second portion of section 2 of the Part C States (Laws) Act, 1950, namely, "provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State" is *ultra vires*. The effect of this opinion is that all provisions made in the notifications extending the Acts for the repeal of corresponding laws are likely to be held invalid. The result of this would be that there would be two sets of laws on the same subject in the same area and this is bound to create confusion and inconvenience to the public and the administration. It is therefore necessary to regularize the position by Validating the various provisions relating to the repeal of the corresponding laws in force in Part C States in the notifications issued under section 2 of the Part C States (Laws) Act, 1950. The Bill is intended to achieve this purpose.

NEW DELHI ;

N. GOPALASWAMI.

The 3rd September, 1951.

The following Bill was introduced in Parliament on the 18th September, 1951 :—

BILL No. 77 OF 1951

A Bill to enable companies to make donations to national funds.

BE it enacted by Parliament as follows :—

1. Short title and extent.—(1) This Act may be called the Companies (Donations to National Funds) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act,—

(a) “company” means a company as defined in section 2 of the Companies Act, and includes a company deemed to be incorporated and registered under that Act by virtue of section 2B thereof;

(b) “the Companies Act” means the Indian Companies Act, 1913 (VII of 1913).

3. Power of companies to make donations to certain National Funds.—

Any company may, notwithstanding anything contained in the Companies Act or in any other law for the time being in force regulating the affairs thereof, and notwithstanding that the memorandum or articles of association of the company do not enable it so to do, by an extraordinary resolution passed in accordance with the provisions contained in section 81 of the Companies Act, authorise the making of donations to the Gandhi National Memorial Fund or the Sardar Vallabhbhai National Memorial Fund, administered by the President of the Indian National Congress, or to any other Fund established for a charitable purpose which by reason of its national importance has been approved by the Central Government for the purposes of this section.

4. Repeal of Act XXXV of 1948.—The Gandhi National Memorial Fund Donations (Companies) Act, 1948, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Associated Chambers of Commerce and many companies who are desirous of making donations to the Sardar Vallabhbhai National Memorial Fund which has been established for carrying out objects conducive to the general welfare have approached Government to remove the legal difficulty that has arisen owing to the absence of a provision in the articles of association of some companies authorising the making of such donations. Even if the shareholders decide at a special meeting to make a donation, in the absence of any authorising provision in the articles of association they are not legally entitled to do so. Act XXXV of 1948 was passed for the purpose of removing this difficulty in the case of donations to the Gandhi National Memorial Fund. It is now proposed that a similar legislation be undertaken to cover donations to the Sardar Vallabhbhai National Memorial Fund and other similar National Funds established for charitable purposes and which by reason of their national importance have been approved by the Central Government in this behalf. The donations can only be made if the general body of the companies have met at a special meeting and approved the making of such gifts by the passing of an extraordinary resolution in the manner required by section 81 of the Indian Companies Act, 1913.

As a matter of drafting, the Bill has been framed as a consolidating measure.

C. RAJAGOPALACHARI.

NEW DELHI;

The 8th September, 1951.

M. N. KAUL,
Secretary